

**STATE BOARD OF WATER ENGINEERS—ORGANIZATION
OF DISTRICT—DEPOSIT OF MONEY****CHAPTER 460****S. B. No. 424**

An Act amending Section 21 of Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, as amended by Section 5 of Chapter 280, Acts of the 41st Legislature, Regular Session, 1929, (codified as Article 7880-21, Vernon's Annotated Civil Statutes of Texas), by providing that all petitions for organization of a district must be accompanied by a deposit of Two Hundred and Fifty (\$250.00) Dollars for use of the state; that no part of such deposit shall be returned unless petitioners withdraw said petition prior to the hearing thereon; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 21 of Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, as amended by Section 5 of Chapter 280, Acts of the 41st Legislature, Regular Session, 1929, (codified as Article 7880-21, Vernon's Annotated Civil Statutes of Texas), is amended⁶ to hereafter read as follows:

"Art. 7880-21.

"The State Board of Water Engineers are hereby constituted a commission for the purpose of, and to have exclusive jurisdiction and power to hear and determine all petitions for organization of a district which is proposed to include lands or property situated in two or more counties, and their orders thereon shall be final, unless appealed from as hereinafter provided. Upon the filing of such petition the Board shall give notice of hearing in the manner provided in Section 15 of said Chapter 25, save that notice shall be posted at the court house door, on the bulletin board used for posting legal notices, in each county in which the district may be situated, and the publication must be in one or more newspapers to give general circulation in the area of the proposed district. A petition to be filed with said Board must be accompanied by a deposit of Two Hundred and Fifty (\$250.00) Dollars for the use of the state, as provided for other fees collected under this Act; no part of which shall be returned, except as hereinafter provided. The deposit shall be deposited in the hands of the State Treasurer to be held in trust outside the State Treasury until the Board does either grant or refuse such petition, at which time the Board shall direct the State Treasurer to transfer said deposit into the General Revenue Fund; provided, if at any time prior to the hearing, as hereinafter provided, the petitioners desire to withdraw said petition, then and only in that event, the Board shall direct the refund of said deposit to petitioners, or their attorney of record, whose receipt therefor shall be sufficient. Said Board shall hear, consider and determine such petition upon the issues, and in the manner, form and time by this Act provided to control hearings and determination of such petitions by a Commissioners Court under the provisions of Section 19 of Chapter 25 as amended hereby.

"When said Board does either grant or refuse such petition any person who comes within the requirements specified in Sections 17 and 18 of Chapter 25 may prosecute an appeal therefrom under the same provisions as are set out in said Section 18 of Chapter 25; provided, however, that

6. Vernon's Ann.Civ.St. art. 7880-21.

such appeal may be taken to any district court sitting in any county in which any part of the proposed district may be, or to a district court in Travis County, Texas, and the time within which an appeal bond may be approved and filed shall be fifteen days after the entry of the final order by said Board. Upon the perfection of such appeal the party appellant shall pay the actual cost of the transcript of the record, which shall be assessed as part of the costs incurred on such appeal; provided, however, that whenever practicable the original documents and processes with the returns thereon shall be sent to the district court."

Sec. 2. The cost of the proceeding to hear and determine petitions for organization of a district being an undue burden on the General Revenue Fund of the state creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate, May 11, 1961: Yeas 29, Nays 0; passed the House,

May 25, 1961: Yeas 140, Nays 0.

Approved June 17, 1961.

Effective June 17, 1961.

OBSCENE ARTICLES AND MATERIALS—PREVENTION OF DISSEMINATION

CHAPTER 461

H. B. No. 441

An Act amending Article 527 of the Penal Code of Texas, 1925, as last amended; providing criminal penalties for certain acts involving certain obscene articles; defining obscene; providing certain exemptions; providing severability and general repealing clauses; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 527 of the Penal Code of Texas, 1925, as last amended by Section 1, Chapter 203, Acts of the Fifty-fifth Legislature, Regular Session, 1957, is amended ⁷ to read hereafter as follows:

"Art. 527.

"Section 1. Whoever shall knowingly photograph, act in, pose for, model for, print, sell, offer for sale, give away, exhibit, televise, publish, or offer to publish, or have in his possession or under his control, or otherwise distribute, make, display, or exhibit any obscene book, magazine, story, pamphlet, paper, writing, card, advertisement, circular, print, pictures, photograph, motion picture film, image, cast, slide, figure, instrument, statue, drawing, phonograph record, mechanical recording, or presentation, or other article which is obscene, shall be fined not more than One Thousand Dollars (\$1,000) nor imprisoned more than one (1) year in the county jail or both.

"Sec. 2. Whoever shall knowingly offer for sale, sell, give away, exhibit, televise, or otherwise distribute, make, display, or exhibit any obscene book, magazine, story, pamphlet, paper, writing, card, advertisement,

7. Vernon's Ann.P.C. art. 527.

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